

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SOCIETY OF THE HOLY)	
TRANSFIGURATION MONASTERY,)	
INCORPORATED)	
)	
Plaintiff,)	
)	Civil Action # 07-12387RGS
v.)	
)	
ARCHBISHOP GREGORY OF)	
COLORADO,)	
)	
Defendant.)	

DEFENDANT’S MOTION FOR PARTIAL SUMMARY JUDGMENT

The Defendant **ARCHBISHOP GREGORY OF COLORADO** (hereinafter “Archbishop”), by and through his undersigned counsel, hereby respectfully submits this Motion For Partial Summary Judgment. Contemporaneously herewith, the Archbishop has submitted a Concise Statement of the Material Facts of Record filed under seal in accordance with Plaintiff’s designations of confidentiality and a Memorandum of Law.

1. **RULE 7.1 CERTIFICATION.** Pursuant to Rule 7.1(a)(2) of the Local Rules Of The United States District Court For The District Of Massachusetts (hereinafter “Local Rules”), the Defendant’s counsel hereby certify that they have conferred with the Plaintiff’s counsel and have attempted in good faith to resolve or narrow the issues raised in this Motion.

2. This Motion is made pursuant to Fed. R. Civ. P. 56.

3. The Archbishop seeks summary judgment with regard to four of the seven copyrighted works he is claimed to have infringed because the Plaintiff allegedly authored the

four works when the Plaintiff and its monks were under the authority of The Russian Orthodox Church Outside Russia (hereinafter referred to as "ROCOR"). When the Plaintiff seceded from ROCOR, they did not return the works.

WHEREFORE, the Archbishop requests this Court to enter partial summary judgment in his favor, dismissing with prejudice the Plaintiff's claims against him with respect to the *Pentecostario*, *Octoechos*, *The Psalter* and *The Ascetical Homilies of Saint Isaac the Syriac*; and to award the Archbishop such other and further relief as the Court deems just and as is in accordance with law and/or equity including attorneys' fees and costs.

Respectfully submitted this 30th day of October, 2009.



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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2009 the foregoing **DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT** was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

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/s/ Martha M. Parker